

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have a consent request we are working on. We hope to have people sign off on that. If they do not, one or many are going to have to object to it. We have spent enough time on this that we need to move forward.

We know we have a number of votes already scheduled. Senator MCCONNELL has something pending. I do too. We know we are going to have to vote on that, but that is the least of our worries. We have to work through this appropriations stuff. So people who have concerns, bring them to David Schiappa or Gary Myrick because otherwise I might come here and offer a consent request. Either we are going to move this bill forward or move off this bill.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, for my colleagues who are here, I wish to explain the reason for an amendment which I have filed, No. 912, along with the cosponsors, my colleagues Senator MCCAIN and Senator CORNYN from Texas, an amendment which seeks to add some money for the U.S. Marshals Service. I wish to explain why we think this is a good idea, but first to say that in speaking with Leader REID, we are trying with our staff and the majority staff to see if we can work out the appropriate pay-fors for this in an appropriate amount of money that would assist the U.S. Marshals Service. Hopefully we can work something out. I am just trying to explain the basis for this at this time.

As you know, we have done a lot of work on the borders to try to secure them, and that has required us to add money for the U.S. Border Patrol and several other accounts in the Department of Homeland Security. We have added money for the Department of Justice. We need new judges, courtrooms, prosecutors, defenders. It has taken a lot of money to secure the border with all of the different aspects that are involved.

The one area we have not kept up with is the U.S. Marshals Service. All of us know the U.S. Marshals Service. It is a great organization. These people do tremendous work. But sometimes we forget them. And what we have learned here is that while we have an increased ability to apprehend illegal immigrants and to try them in court, and even jail space to hold them, the group that does the holding and the transporting and the keeping of the judges and the courtrooms safe during the process, the U.S. Marshals Service, has not had funding to keep up with this. As a result, they are way low in terms of both personnel and also some facilities that need to be upgraded to accept the much larger numbers of illegal immigrants and other prisoners who are in their custody.

To give you one illustration, when prisoners are brought to a courthouse, obviously there are huge security measures that have to be followed to ensure that jurors, judges, the public at large, witnesses, and so on, are not in jeopardy because of the existence of the prisoners. So they are generally brought in vehicles, appropriately accompanied, to secure facilities in the court building and then at the appropriate time brought to the courtroom, and all in the custody of the marshals, and with appropriate security for all.

However, because of these increased numbers, what we found is, by way of example, they bring the prisoners from the holding facility, the prison, the jail, wherever it might be. They literally have to disembark in a public parking lot where jurors are parking to come up to be involved in cases, where the public at large, where witnesses, where victims and families, judges and lawyers are coming to park to go to the courthouse, and go up the elevators and so on right with these same people. That is not a secure situation.

In most situations the marshals have the ability to take their prisoners directly to a secure port, a place in the courthouse where they can immediately put them into custody in a secure locked-down facility. Construction of some court buildings need to keep up with this demand, and it requires some money, in this case, about \$16 million. I know this is a small matter in the overall budget that we are talking about. But for the Marshals Service to do its job, this is important for them.

They need additional personnel. The cost of that far exceeds \$10 million. But that is what we thought we would try to ask for in this amendment to at least bring the Marshals Service up to a level where they can accommodate the new numbers of prisoners.

In our amendment, \$20 million is provided for additional deputy marshals and security-related support staff to assist in overall Southwest border enforcement. We have narrowed this down to the five judicial districts on the border that have—well, in fact, these districts have about half—49.7

percent, to be exact, of all the prisoners nationwide brought into the custody of the Marshals Service are brought in by way of those five Southwest border judicial districts. And about half of those in the Marshals' custody along the Southwest border are or were held for immigration-related offenses.

So this is the need that we are trying to satisfy with this amendment. The Marshals Service employs only about 80 percent of what they need in terms of Marshals and support staff in these court facilities. A recent Department of Justice hiring freeze has prevented the Marshals Service from reaching even 90 percent of its personnel needs along the Southwest borders. To reach 100 percent of staffing would require \$43 million, to hire an additional 162 deputy marshals and 71 support staff.

We all know the constraints we are all operating under here, so we cut that back to simply try to reach 90 percent of their requirement for hiring needs. And that, as I said, would require just about \$20 million for these hiring purposes.

On the construction side of it, the amendment provides for \$16.5 million for these detention upgrades at the Federal courthouses located in this border region. Of the \$16.5 million, \$1.5 million would specifically be allocated for courthouse security equipment. I have told you a little bit about the problem with the security at the courthouses. Some of this would obviously be used for construction of a port that would allow these vehicles to unload detainees and prisoners right next to cellblock doors and so on. I described that.

But this is the least we can do, both to protect the public and to assist the Marshals Service. There has been some dichotomy of views, shall I say, expressed by the Department of Justice and Department of Homeland Security about whether they have what they need to secure the border. We have heard the Secretary of Homeland Security say, we have all we need. But we also know that the Secretary has said, we have to prioritize our detention policy, for example, because we do not have the facilities and the money we need to detain and deport all of the people who are deportable, so we have to focus on the most serious crimes, the felons primarily, who are now the top target for deportation.

Obviously if you have to prioritize, we would agree with that prioritization. But what that means is that they do not have enough money to do all that they are trying to do. So on the one hand, it is kind of distressing that the Department says we have all we need and, on the other hand, we do not have enough, so we have to prioritize what we do.

What we are trying to do in this appropriations bill is to attack the one part of the problem that we can in this bill, and that is to help the U.S. Marshals. As I said, I do not think there is